

# **17 REHABILITATION FACILITIES & CORRECTIONAL INDUSTRIES**

Purchases from nonprofit corporations and public agencies operating rehabilitation facilities for the handicapped or disadvantaged are exempt from competitive solicitation rules.

Purchases of property marketed by Correctional Industries are exempt from competitive solicitation rules.

## **17.1 Rules Regarding Rehabilitation Agencies**

### **IDAPA 38.05.01**

#### **046. DETERMINATION OF FAIR MARKET PRICE FOR REHABILITATION AGENCY ACQUISITIONS.**

Upon receipt of a rehabilitation agency proposal accompanied by detailed cost data, the administrator will conduct a survey of the market place by requesting current prices from at least three (3) vendors currently marketing the property being sought. The fair market price of a rehabilitation vendor shall not be greater than twenty-five percent (25%) of the lowest price received during the survey. The administrator will notify by letter the rehabilitation agency concerned advising it as to whether it is offering property at fair market price. The division or purchasing activity, if the acquisition is less than the sealed procedure limit or the contract is one (1) year or less in duration, may then contract with the rehabilitation agency at the proposed price.

## **17.2 Rules Regarding Correctional Industries**

### **IDAPA 38.05.01**

#### **042. EXCEPTIONS TO FORMAL SEALED PROCEDURE.**

Purchases meeting the following criteria need not be purchased by the formal sealed procedure:

**07. Correctional Industries.** Purchases of road or street signs, metal motor license plates, wearing apparel, furniture, articles or containers for state use not for resale on the open market or any other property marketed directly by Correctional Industries in accordance with Section 20-245, Idaho Code.

## **17.3 Idaho Statute Regarding Rehabilitation Facilities**

### **67-2319. PURCHASING PRODUCTS OF REHABILITATION FACILITIES.**

Products which are manufactured by and services which are provided for nonprofit corporations and public agencies operating rehabilitation facilities serving the handicapped and disadvantaged and offered for sale at the fair market price as determined by the administrator of the division of purchasing which meet the specific requirement for such products may be procured by the state agencies or departments or any political subdivision of the state from such nonprofit corporations or public agencies without advertising or calling for bids.

## **17.3 Idaho Statute Regarding Correctional Industries**

**20-245. CONVICT LABOR ON STATE PROJECTS WITHIN OR OUTSIDE OF PENITENTIARY -- SALE OF PRODUCTS.** The state board of correction shall have the authority to use, under such rules and regulations as they may prescribe, the labor of convicts either within or without the walls of the penitentiary and on all public works done under the direct control of the state; that convict labor under control of the state board of correction shall manufacture and repair state highway signs, except for highways and projects where Federal regulations would prohibit the use of signs so manufactured; provided, that so far as practicable any manufacture conducted within the walls shall be in connection with metal motor license plates, road or street signs furnished by the state or used by its municipalities, wearing apparel, articles, containers, for state use in the various departments or institutions of the state not for sale upon the open market. When any product produced by the convict shall be used by any department or other institution of the state, the current appropriation shall receive from such department or institution such reimbursement therefor as may be fixed by the state board of correction with the approval of the state board of examiners.

**20-402. CORRECTIONAL INSTITUTION PRODUCTS.** The term "correctional institution products" as used in this act, means all services and labor provided, goods, wares and merchandise manufactured or produced wholly or in part, except "hobby-craft" articles, by inmates employed by Idaho state correctional industries.

**20-413. GOODS AND SERVICES FOR GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PUBLIC USE -- CONTRACTS.** The board is hereby authorized and empowered to cause the inmates in the state prison to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now or may hereafter be needed by any public institution or agency of the state or any political subdivision thereof, including but not limited to counties, districts, municipalities, schools, nonprofit organizations, and other public use. The board may cause the inmates to be employed in rendering such services or producing and manufacturing such articles, materials, and supplies as are now or may

hereafter be needed for use by the federal government for any department, agency or corporation thereof. The board may contract to sell products manufactured by correctional industries to retail or wholesale establishments within the state. The board or its designated agent may enter into contracts for the purposes of this article. The board may contract with other state and federal penal institutions and with out-of-state governmental entities for the production, manufacture, exchange, sale, or purchase of goods, wares and merchandise manufactured or produced wholly or in part by inmates of the Idaho state penitentiary or of any state or federal penal institution.